

**JUDGE DANIELS**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INDICTMENT

- v. -

VENTURA PAYANO, and  
ROQUE IRIZARRY,

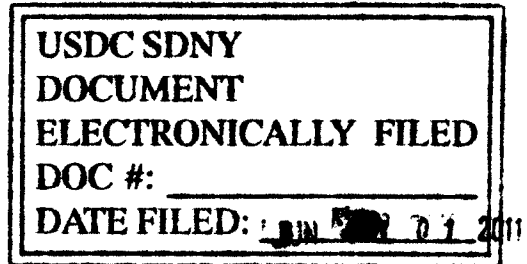
Defendants.

- - - - - x

**11<sup>CR</sup> CRIM 470**

COUNT ONE

The Grand Jury charges:



1. From at least in or about September 2010, up to and including in or about April 2011, in the Southern District of New York and elsewhere, VENTURA PAYANO and ROQUE IRIZARRY, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly, did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that VENTURA PAYANO and ROQUE IRIZARRY, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense was approximately 100 grams and more of a mixture and a substance

containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(b)(1)(B).

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal object thereof, VENTURA PAYANO and ROQUE IRIZARRY, the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about September 16, 2010, PAYANO and IRIZARRY met in New York, New York, and PAYANO supplied IRIZARRY with heroin.

b. On or about November 2, 2010, PAYANO and IRIZARRY met in New York, New York, and PAYANO supplied IRIZARRY with heroin.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense alleged in Count One of this Indictment, VENTURA PAYANO and ROQUE IRIZARRY, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the

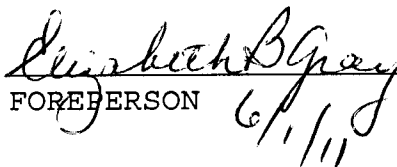
controlled substance offense alleged in Count One of this Indictment.

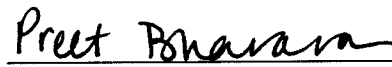
6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)

  
FOREPERSON 6/1/11

  
PREET BHARARA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

VENTURA PAYANO,  
ROQUE IRIZARRY,

Defendants.

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INDICTMENT

11 Cr.

(Title 21, United States Code, Sections  
812, 841(a)(1), 841(b)(1)(B), 846, 853.)

PREET BHARARA  
United States Attorney.

A TRUE BILL

*Elizabeth B Gray*  
Foreperson.

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6-1-11

*WJ*

Filed Indictment Case assigned to J.  
Daniels.

Peck  
U.S.M.J.